



REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-25 are pending in this application, Claims 8-24 having previously been withdrawn from consideration. No new matter is added.

In the outstanding Office Action, Claims 1-7 and 25 were rejected under 35 U.S.C. 103(a) as unpatentable over Aoki et al. (U.S. Patent No. 5,111,299, herein "Aoki") in view of Proehl et al. (U.S. Patent No. 6,118,450, herein "Proehl").

Applicant notes that Proehl qualifies as prior art only under 35 U.S.C. §102(e), as the present application priority date predates the issue date of Proehl. To the extent the rejections above apply to the present claims, Applicant respectfully traverses the rejections.

As Proehl is §102(e) art, the obviousness rejection is deficient under 35 U.S.C. §103(c) as explained below.

Applicant submits that the present application and the Proehl reference were, at the time the present invention was made, owned by, or subject to an obligation of assignment to Sony Corporation.¹ Accordingly, application of the Proehl reference in this obviousness rejection is improper.²

As all the rejections of record rely on Proehl, Applicant respectfully submits these rejections are traversed as Proehl may not be applied as a basis for supporting a *prima facie* case of obviousness as outlined by 35 U.S.C. §103(c).

¹ Sony Electronics, Inc. is a wholly owned subsidiary of the Sony Corp., and both entities are assignees of Proel. Therefore, in accordance with MPEP § 706.02(l)(2), the Proehl reference may be disqualified under §103(c), as both the Proehl reference, and the present application, are wholly owned by Sony Corp.

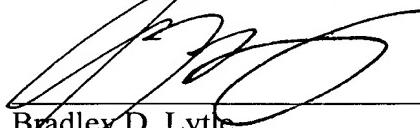
² Applicant notes that the filing date of the present application is after November 29, 1999, therefore bringing the present application under the current guidelines for 35 U.S.C. §103(c) for excluding 102(e) art.

Application No. 09/556,949
Reply to Office Action of August 25, 2006

Accordingly, in view of the present amendment, no further issues are believed to be outstanding and the present application is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)
I:\ATTY\ATH\PROSECUTION\20's\203722-US\203722US-RR.DUE 11.25.06.doc

Andrew T. Harry
Registration No. 56,959